

GAHC010065432023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1705/2023

DIPAK PEGU AND 3 ORS.
S/O- HEMAKANTA PEGU,
R/O- OUGURI DANGDHARA,
P.O.- DHAKUAKHANA,
DIST.- LAKHIMPUR, ASSAM.

2: GUPAL DOLEY
S/O- BHOLANATH DOLEY

R/O- NO. 3 AALIMUR DANGDHARA

P.O.- DHAKUAKHANA

DIST.- LAKHIMPUR
ASSAM.

3: DIPAK PATIR
S/O- RAJIB PATIR

R/O- KHAJUWA MIRI

P.S.- DHAKUAKHANA

DIST. LAKHIMPUR
ASSAM.

4: MOHAN MILI
C/O- BIKESWAR MILI

R/O- VILL. KHAJUWA MIRI

P.O.- DHAKUAKHANA

PIN- 7870550

DIST.- LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
CO-OPERATIVE DEPARTMENT, ASSAM,
DISPUR, GUWAHATI- 781006.

2:THE REGISTRAR
CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI- 781002.

3:THE ZONAL JOINT REGISTRAR
CO-OPERATIVE SOCIETIES
TEZPUR ZONE
PIN- 784001

DIST.- SONITPUR
ASSAM.

4:THE DEPUTY COMMISSIONER

LAKHIMPUR- 787001

LAKHIMPUR
ASSAM.

5:THE ASSISTANT REGISTRAR AND ELECTORAL OFFICER
CO-OPERATIVE SOCIETIES
ASSAM

DHAKUAKHANA- 787055

DIST. LAKHIMPUR
ASSAM.

6:THE RETURNING OFFICER
BOARD OF DIRECTORS ELECTION

KHERKATA CO-OPERATIVE SOCIETY LIMITED
DHAKUAKHANA

DHAKUAKHANA- 787055

DIST. LAKHIMPUR
ASSAM.

7:KHERKATA CO-OPERATIVE SOCIETY LIMITED
DHAKUAKHANA
(REPRESENTED BY ITS PRESIDENT)
DHAKUAKHANA- 787055

DIST. LAKHIMPUR
ASSAM.

8:DIPEN DOLEY
THE PRESIDENT
KHERKATA CO-OPERATIVE SOCIETY LIMITED

DHAKUAKHANA

DHAKUAKHANA- 787055

DIST.- LAKHIMPUR
ASSAM.

9:RAJIB DOLEY
THE SECRETARY

KHERKATA CO-OPERATIVE SOCIETY LIMITED

DHAKUAKHANA

DHAKUAKHANA- 787055

DIST.- LAKHIMPUR
ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : SC, CO OP

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

23.03.2023

Heard Ms. SG Baruah, learned counsel for the petitioners.

2. The petitioners, who are 4 in numbers, are shareholders of the Kherkata Cooperative Society Limited, Dhakuakhana in the district of Lakhimpur. The elections for the Board of Directors have been notified, fixing tomorrow i.e. 24.03.2023. The case of the petitioners is that on publication of the voters list, they could detect that there were a number of persons termed as shareholders who had passed away and there were persons whose antecedents were not known and therefore, the petitioners alleged that the elections were sought to be held on the basis of an incorrect voters list which will not give a proper result. The learned counsel therefore submits that while the matter may be examined, the elections scheduled tomorrow i.e. 24.03.2023 may be postponed.

3. Shri SK Talukdar, learned Standing Counsel, Cooperation Department however submits that though there may be substance in the allegation of the petitioners on the factual aspects regarding the names of deed persons or non-existing persons, the redressal would lie by invoking the provisions of Rule 27 of the Assam Cooperative Societies Election Rules, 2019.

4. At this stage, the learned counsel for the petitioners, Ms Baruah has submitted that representations are already pending before the appropriate authority.

5. In view of the above and taking into consideration the provisions of the Rules, this Court is of the opinion that the grievance of the petitioners can be redressed by taking into consideration Rule 27 of the aforesaid Rules. It is accordingly provided that the representations which have already been submitted may be treated to be an election petition. The petitioners are also at liberty to submit fresh petition before the Election Authority within the period specified i.e. three days for redressal of their grievance.

6. In any case, the representation which is pending or the application which may be filed are required to be disposed of expeditiously and preferably within an outer limit of 2(two) months from the date of receipt of such application.

7. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant